



1525 W. Frye Road
Chandler, Arizona 85224

and
Via youtube

<https://www.youtube.com/channel/UCU8IGMDuynDSSvaYtDj2sRQ?>

Minutes of a Regular Board Meeting of the Governing Board

Office of the Board
Maricopa County, Arizona
August 25, 2021
7:00 p.m.

1. Executive Session - 6:00 pm

1.01 Adjourn to Executive Session-Legal Advice

Motion to Adjourn to Executive Session per A.R.S. §38-431.03(A)(3) and (4), discussion or consultation for legal advice with the Governing Board's attorney(s) and to consider its position and instruct its attorney(s) regarding the Board's position regarding CUSD participating in Electronic Cigarette/Vaping Litigation, approving legal counsel, and regarding approving engagement agreement of legal counsel.

Motion by Jason R Olive, second by Lara E Bruner.

Final Resolution: Motion Carries

Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner

Not Present at Vote: Lindsay A Love, Joel H Wirth

1.02 Adjourn from Executive Session

Exec Session adjourned at 6:08 pm.

2. Opening Items - 7:00 pm

2.01 Roll Call

Barb Mozdzen, Board President; Jason Olive, Board Vice President; and Lara Bruner, Board Member were present. Board members Lindsay Love and Joel Wirth joined by phone.

Frank Narducci, Interim Superintendent; Frank Fletcher, Associate Superintendent for Support Services; Dr. Craig Gilbert, Assistant Superintendent of Secondary Education; Dr. Wendy Nance, Assistant Superintendent for Human Resources; Larry Rother, Senior Executive Director of PK-12 Educational Services and Discipline; Leo Schlueter, Director of Elementary Education; Colleen Flannery, Executive Director for K-12 Technology; Dr. Jennifer Fletcher, Executive Director of Accountability, Assessment and Research; Ken James, Executive Director of Administrative Services; Dr. Kym Marshall, Executive Director of Student Personalized Learning; and Terry Locke, Director of Community Relations; were present. Lana Berry, Chief Financial Officer, was excused.

2.02 Pledge of Allegiance / Moment of Silence

3. Routine Business

3.01 Approve the Minutes of the August 11, 2021 Regular Board Meeting and August 19, 2021 Special Board Meeting

Motion to approve the minutes of the August 11, 2021 Regular Board Meeting and August 19, 2021 Special Board Meeting as presented.

Motion by Jason R Olive, second by Lara E Bruner.

Final Resolution: Motion Carries

Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

3. Routine Business (cont'd)

- 3.02 Approve and Ratify Payroll and Accounts Payable Vouchers (cont'd)
Approve and Ratify Payroll and Accounts Payable Vouchers

Payroll for 2021-2022 Year:
Voucher 1007 Payroll 08/12/2021
Voucher 1009 Payroll 08/12/2021

Accounts Payable for 2020-2021 Year:
Vouchers 2297-2297 08/04/2021 Check# 1800036985-1800037004
Vouchers 2298-2301 08/11/2021 Check# 1800037150-1800037175

Accounts Payable for 2021-2022 Year:
Vouchers 3019-3024 08/05/2021 Check# 1800037005-1800037113
Vouchers 3025-3029 08/12/2021 Check# 1800037176-1800037313

Motion by Jason R Olive, second by Lara E Bruner.
Final Resolution: Motion Carries
Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

- 3.03 Correspondence
No correspondence presented.

6. Action Items

- 6.01 Possible Action relating to Electronic Cigarette/Vaping Litigation (this item was moved forward in the meeting)
Discussion and Possible Action relating to Electronic Cigarette/Vaping Litigation: (a) Decision whether to participate in litigation; (b) Decision whether to approve legal counsel to represent Chandler Unified School District (CUSD) in Electronic Cigarette/Vaping Litigation and which legal counsel to approve; (c) Decision whether to approve engagement agreement of legal counsel, if approved, to represent CUSD in Electronic Cigarette/Vaping Litigation.

Joel Sannes gave an overview of the national litigation for electronic vaping products. Approximately 160 districts nationwide are participating along with other districts in Arizona. The purpose of this litigation is to compensation for expenses for discipline. He confirmed it is highly unlikely the district would incur expenses and, if so, those expenses would be shared by all the plaintiffs in the litigation.

- 1) **Approve the decision to participate in litigation.**

Motion by Jason R Olive, second by Lara E Bruner.
Motion Carries
Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

- 2) **Approve legal counsel to represent Chandler Unified School District (CUSD) in Electronic Cigarette/Vaping Litigation and use Grant Woods, Keller Rohrback and Joseph Tann.**

Motion by Jason R Olive, second by Lara E Bruner.
Motion Carries
Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

- 3) **Approve engagement agreement of legal counsel with a modification in paragraph 9 . . . "only in the event that the district breaches its agreement".**

Motion by Jason R Olive, second by Lara E Bruner.
Final Resolution: Motion Carries
Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

4. Comments

4.01 Citizen Comments

Terry Locke, Director of Public Relations, summarized the 232 comments presented online. They can be accessed in their entirety at <https://www.cusd80.com/Page/115202>.

Nicole Eidson - Equity – Thanked Barb, Jason, and Joel for their vote on masks; requested courses and classes that promote ethnic solidarity be prohibited and not included in any CUSD instruction

Jeremie Wilson - Masks/Quarantine - Thank you for leaving masks as a choice; now fix the quarantine violation; respect parents' rights and medical privacy

Kurt Rohrs - Parents - Parents are not your enemies or threat to this district. District should work cooperatively with parents to reject political and social activism

Shari Dukes - Tempe - Shared information about counterfeit pills laced with fentanyl and requested it be shared with students, staff and families

Charlotte Golla -Quarantine rules - Some consequences are unintended; Pre COVID, 10 days of absences dictated a letter to parents; you are further dividing the community between vaccinated and unvaccinated

Dane Hoff - Quarantine and Response - public mismanagement, masks and shutting down cause stress; every decision has consequences; you need young and old perspectives

James T Harris - Commend board for keeping masks optional; quarantine begins to shut down schools and cripple the rights of parents who want to get back to normal

Lisa Merkel - Mandating masks and quarantining students not ill is an infringement of my parental rights; stop instilling fear and using children as political pawns

Beth Wamsley – Mitigation - You talk about equity, yet you pass sweeping mandates; you think you know what is best for my children; stay in your own lane; masks were a money decision; you are forcing students to miss school when they are not sick

Andrew Wamsley - School Board Performance - Experienced personal impacts because of masks and quarantine; you held a special meeting without parent input; I don't want CRT; stop using children as political pawns - let's work together

Joyce Baker - Mask Mandate - moved to CUSD in 1994; supported every override initiative, donated tax credit, I'm committed to CUSD but more committed to children's health; will not support override and will donate to other districts in the future

Walt Blackman - CRT - LD6 fought against CRT in the legislature; if a bill is presented that stifles parents, I will vote NO. Parents have the 1st choice with what they do with their kids

Ruth Jones - Culture - With CRT and masking, we've lost our children; they think they need to judge people around them; we taught them division

Jamie Votaw - COVID - medical discrimination; kids w/medical conditions are discriminated against every day because it is labeled COVID

Tyler Hansen - Quarantine - MCPHD recommends quarantine; people don't understand how devastating it is to miss 10 days; students grades were ruined last year; policy failed last year and will fail again

Ashley Hanawalt - COVID Mitigation - currently homeschooling children; support parents' choice for all medical decisions; mental health is the well-being of students

Amanda Montyano - COVID Mitigation - 4 kids in Kyrene; support parents' rights; you are dividing this community; you are the new racists

Andrew Tullbery - Mitigation, Quarantine, Masks - board has no clue what you are doing; mitigate the damage you already wrecked upon this district; you are behaving like brats and need to be relinquished of your duties

Melanie Rettler - CDC - veterinarian from Queen Creek; CDC contacted me for treatment for viral diseases

Denise Torres - Class violence - my son is special needs and daily something happens because of a child misbehaving in the classroom; protect these children and their rights; serious negligence to fragile students

John Baker - Masks protect in schools - professional counselor; loss of someone with COVID breaks your heart; please reverse mask position; keep children safe and healthy

Pricilla Agnis - Masks - consider the mental health of the mask debate; children are battling emotional stress and trauma and there is no vaccine for that. I am accountable for my child.

Brad Potter - PCR tests - The PCR tests are ending Dec 2021; give hospitals tools to differentiate between flu and cold; almost every person taking the test will get a positive result

4. **Comments (cont'd)**

4.01 Citizen Comments (cont'd)

Cathy Zinkhon - HR - proud 11 year educator; applaud proposal for wage increase on agenda tonight; Pre-K teachers are paid less than all certified teachers, yet they are required to participate in all; asked District to look into those salaries

5. **Consent Agenda**

5.01 Out of State Student Travel Preplanning

Out of state field trip pre-planning forms for CCHS and PHS were provided. Following Governing Board pre-approval, the Superintendent (designee) will monitor trip arrangements before providing final approval.

5.02 Monetary Gifts

Requested approval of the monetary gifts generously donated to Chandler Schools totaling \$28,719.37.

5.03 Donations

Requested approval of the items generously donated to Chandler School District totaling \$3,131.37.

5.04 Update Contact Information with the Arizona Department of Education

The Arizona Department of Education requires board approval to update entity profile contact information. Requested approval to update the phone number to the Chandler Unified School District main number, 480-812-7000 and the fax to 480-224-9353.

5.05 Policy Revisions

Arizona School Boards Association (ASBA) recommended changes to the following policies:

- *DIE - Audits/Financial Monitoring*
HB 2018 pertaining to audits and financial records prescribes a requirement for school district governing boards or charter school governing bodies to publicly accept all audits and compliance questionnaires by roll call vote. This language is added to ARS 15-914 and Policy DIE.
- *EEAEA - Bus Driver Requirements, Training, and Responsibilities*
House Bill 2159 amended ARS 28-3228, relating to driver licenses for school bus driver applicants, requiring school bus driver applicants to possess a commercial driver license issued by the department of Public Safety or an acceptable alternate as described in the statute.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes were presented as Information at the August 11th board meeting.

5.06 Intergovernmental Agreement with Arizona Career and Technical Education (CTE) Curriculum Consortium for the 2021-2022 School Year

The Arizona CTE Curriculum Consortium Intergovernmental Agreement for CTE teacher resources, instructional materials and professional development was presented. The Board approved the initial Intergovernmental Agreement (IGA) in June 2013. The IGA was renewed and signed by both CUSD and PIMA JTED in November 2016 and again in August 2020.

5.07 2021-2022 Hiring Contract with Everybody Matters

The contract between Chandler Unified School District and Everybody Matters for the 2021-2022 school year was presented for approval. This contract allows for the hiring of 14 social worker interns, at a discounted rate, to assist with student needs at the school site. This agency is on a cooperative contract that follows all procurement guidelines and allows CUSD to use this vendor.

5.08 Human Resources

Employment, Separation, Compensation and COVID-19 Leave.

Adopt Consent Agenda as presented.

Motion by Jason R Olive, second by Lara E Bruner.

Final Resolution: Motion Carries

Aye: Barb R Mozden, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

6. Action Items

6.01 Possible Action relating to Electronic Cigarette/Vaping Litigation
(Item was moved forward in the meeting)

6.02 Support Staff Wage Increase

Requested a market adjustment to the Support Staff wages for the 2021-22 school year. This request would include an additional one dollar (\$1) per hour to each Support Staff hourly position and \$1,500 to be given to each Support Staff exempt position. This funding would cover the additional raise to meet the minimum wage requirement that would be implemented in January 2022, increase the marketability of hard to fill positions, allow CUSD to remain competitive and attract from shared applicant pool, and help retain current employees. The cost to the district would be approximately \$4 million dollars. The funds would be allocated through the funding source of the current Support Staff positions. It is a combination of Maintenance and Operations, Grant Funding, and Cash Fund accounts. Recommended approval and adjustments to be made effective September 2, 2021.

Approve the recommended adjustments to the support staff hourly and exempt positions, effective September 2, 2021.

Motion by Joel H Wirth, second by Lara E Bruner.

Final Resolution: Motion Carries

Aye: Barb R Mozdzen, Jason R Olive, Lara E Bruner, Lindsay A Love, Joel H Wirth

7. Information Items

7.01 School Board Governance and Operations Policy Revisions

Arizona School Boards Association (ASBA) has recommended changes to the following policies:

- *BDF - Advisory Committees*
This policy is amended to make it clear that if a board creates an advisory committee or directs that the committee be created or appoints members to a committee, and that committee has the authority to act for the board or make recommendation to the board, the committee is covered as an advisory committee or subcommittee of the public body under the Open Meeting Law.
- *BEDD - Rules of Order*
This change makes it clear that the Governing Board President has the authority to recess a meeting without a vote of the Governing Board to maintain decorum and Governing Board meeting rules of order.
- *BEDH - Public Participation at Board Meetings*
This policy is amended to prohibit unsolicited commercial messages during Call to the Public.
- *BIB - Board Member Development Opportunities and Regulation BIB-R*
House Bill 2906 has added statute A.R.S. 41-1494 which states, in part, that a political subdivision, including school districts and charter schools, may not expend public monies for board members for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex. This does not preclude any training on Sexual harassment. Blame or judgement on the basis of race, ethnicity or sex is defined in the statute by seven (7) concepts which are listed in the Regulation.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes are presented as Information and approval will be requested at the September 8, 2021 board meeting. Regulations and exhibits do not require board approval.

7.02 Human Resource Policy Revisions

Arizona School Boards Association (ASBA) has recommended changes to the following policies:

- *GCB - Professional Staff Contracts and Compensation*
- *GDB - Support Staff*
House Bill 2268 added statutes A.R.S. 15-189 for Charter Schools and A.R.S. 15-341(45) for Traditional Public Schools requiring the School/District to provide each employee a total compensation statement categorized by benefit or payment that includes specific categories.

7. Information Items (cont'd)

7.02 Human Resource Policy Revisions (cont'd)

- *GCF - Professional Staff Hiring*
- *GDF - Support Staff Hiring*
Per House Bill 2023, before employing a certificated or noncertificated person, school districts and charter schools are required to conduct a search of the educator information system that is maintained by ADE on the prospective employee. School districts and charter schools are prohibited from employing in a position that requires a valid fingerprint clearance card either a certificated person whose certificate has been suspended, surrendered, or revoked and not subsequently reinstated, or a noncertificated person who has been prohibited from employment at a school district or charter school. The additions to Policies GCF and GDF are included in the newly enacted A.R.S. 15-505.
- *GCH - Professional / Support Staff Orientation and Training*
House Bill 2906 has added statute A.R.S. 41-1494 which states, in part, that a political subdivision, including school districts and charter schools, may not require an employee to engage in and shall not use public monies for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex. This does not preclude any training on sexual harassment.
- *IHA - Basic Instructional Program and IHA-E*
SB1572 changed A.R.S. 15-211 and moved the deadline by which a District must have at least one (1) kindergarten through third (K-3) grade teacher in each school who has received training related to dyslexia. The new date is July 1, 2022.
- *IMB - Teaching about Controversial / Sensitive Issues*
House Bill 2989 added A.R.S. 15-717.02, which states that a teacher, administrator or other employee of a school district, charter school or state agency who is involved with students and teachers in grades preschool through twelve may not use public monies for instruction that presents any form of blame or judgment on the basis of race, ethnicity or sex. This language is added to Policy IMG.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes are presented as Information and approval will be requested at the September 8, 2021 board meeting.

7.03 Instructional Program Policy Revisions

Arizona School Boards Association (ASBA) has recommended changes to the following policies:

- *IC - School Year*
House Bill 2862 consisted of extensive amending of statutes 15-801, 15-901, and 15-1021, repealing section 15-861, and the addition of a new statute, 15-901.08, focusing on school instructional time. The primary directives are included in Policy IC, School Year, with emphasis on districts referring to the more specific information included in A.R.S. 15-901.08.
- *IHAMD - Instruction and Training in Suicide Prevention*
School district governing boards and charter school governing bodies that issue identification cards to students in grades nine through twelve shall include on each new identification card at least one of the items described in A.R.S. 15-160 that are now included in Policy IHAMD. This language should be adopted by districts that issue identification cards to students in grades nine through twelve.
- *IJ - Instructional Resources and Materials*
- *IJJ - Textbook / Supplementary Materials Selection and Adoption*
Policies IJ and IJJ have been updated with additional language from A.R.S. 15-721 and A.R.S. 15-722 regarding the definition of "textbook". As more districts move away from using physical copies of textbooks in favor of electronic options, the language clarifies that "textbook" includes printed instructional materials and digital content.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes are presented as Information and approval will be requested at the September 8, 2021 board meeting.

7. Information Items (cont'd)

7.04 Student Policy Revisions

Arizona School Boards Association (ASBA) has recommended changes to the following policies:

- *IKE-RB - Promotion and Retention of Students*
Senate Bill 1572, signed by the Governor on July 9, 2021, added language regarding promotion of students from the third grade. It adds a timeframe for when the District shall provide written notification of the pupil's reading deficiency to the parent or guardian and adds more information to what the notification must include.
- *JFAA - Admission of Resident Students; JFAA-EA; JFAA-EB; JFAB - Tuition / Admission of Nonresident Students; JFAB-EA; and JFAB-EB*
Senate Bill 1420, signed by the Governor on March 5, 2021 requires state or any political subdivision of this state, including school districts and charter schools, to accept a consular identification card that is issued by a foreign government as a valid form of identification if the foreign government uses biometric identity verification techniques in issuing the consular identification card. Biometric identification techniques include fingerprint identification and retina scans. The Policies and related exhibits include the necessary language for schools.
- *JFB - Open Enrollment*
House Bill 2898, signed by the Governor on June 30, 2021, made substantive changes to ARS 15-816.01 pertaining to open enrollment. The required information is included in Policy JFB to clarify the statutory requirements set forth for open enrollment programs.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes are presented as Information and approval will be requested at the September 8, 2021 board meeting.

7.05 Student Discipline Policy Revisions

Arizona School Boards Association (ASBA) has recommended changes to the following policies:

- *JK - Student Discipline*
Language regarding district regulation of off-campus student speech is added to Policy JK in response to the recent Supreme Court decision in *Mahanoy Area School District v. B.L.*, 594 U.S. (2021). In *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969), the Court ruled that districts may regulate on-campus speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others." In *Mahanoy*, the Court writes that district "regulator interests remain significant in some off-campus circumstances." Districts should confer with their attorney for guidance when questions arise about specific situations.
- *JKD - Student Suspension*
- *JKE - Expulsion of Students*
The policy advisory for the three policies listed are based on changes to statute contained in House Bill 2123 pertaining to suspension and expulsion of students in kindergarten and grades one through four.

Chandler School District recommends adopting the policies as proposed by ASBA. These changes are presented as Information and approval will be requested at the September 8, 2021 board meeting.

7.06 CUSD Board Agenda Roadmap

Board members discussed upcoming events and activities.

7.07 Superintendent Comments

Mr. Narducci congratulated 16 students who were recognized as Capstone Scholars. Eleven earned the AP Capstone Diploma and another five earned the AP Seminar and Certificate for 2021. The AP Capstone Diploma helps students develop critical thinking, research, collaboration, and presentation skills that are critical to academic success. To receive the Capstone, students must earn scores of 3 or higher in AP Seminar, AP Research, and on four additional AP exams. This is a lot of work for the students, and they should be proud of this accomplishment. He also recognized five students who were selected as 2020-2021 Phoenix Chapter Scholar Athletes. They were selected based on grades, community service and a high level of athletic skills. Desmon Holton of Casteel High; Dillon Hunter of Chandler High; Dawson Hubbard of Hamilton High; Dre'vion Hathaway of Basha High; and CJ Snowden were honored this year.

7. Information Items (cont'd)

7.07 Superintendent Comments (cont'd)

Mr. Narducci reminded the community that we value input for how we will spend our funding received from the Elementary and Secondary School Emergency Relief (ESSER III) grants administered through the Arizona Department of Education. These emergency relief funds are allocated to school districts to address the impact of COVID-19 on elementary and secondary schools. On August 30, from 6:00-7:00 pm, CUSD will be hosting a virtual community roundtable to gather input and to guide our ESSER III Plan. During this roundtable members of the community will have the opportunity to review CUSD priorities and provide feedback. Please contact our Community Relations office if you need the link. At this point, we have over 700 registered.

The high school sports season is here. Arizona College Prep opens early with a home football game against Tucson Sabino at 7:00 pm Friday. If anyone wants to check out the stadium at the new campus on Gilbert Road, just south of Ocotillo, the student-athletes enjoy the support. Our other five teams open the season at home on September 3rd.

CUSD will be hosting a no-cost COVID testing for teachers, students and families. Held at the Student Services building on Hamilton Street beginning this Friday, August 27th. Information will be sent to all families. Vaccinations are available in the community. We are looking at best ways to serve students and families in our community.

7.08 Board Member Recognition / Comments

Joel Wirth requested the administration bring quarantine options to board at the next meeting.

Jason Olive asked if plans were underway to bring student body presidents and STUGO officers back to board meetings.

Barb thanked attendees and citizens for sharing their comments at the meeting.

8. Adjournment

8.01 Adjourn the Meeting

Meeting adjourned at 9:05 pm.